

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CV-447-D

GEORGE S. RIZK, and )  
DIANA K. RIZK, )  
                        )  
Plaintiffs,         )  
                        )  
v.                    )                              **ORDER**  
                        )  
FRESENIUS MEDICAL CARE, )  
NORTH AMERICA,        )  
                        )  
Defendant.          )

Fresenius Medical Care, North America (“defendant”) filed a motion to dismiss plaintiffs’ amended complaint for failure to state a claim upon which relief can be granted [D.E. 12]. The court has considered the amended complaint and the motion to dismiss under the governing standard. See, e.g., Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949–50 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–56, 570 (2007); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464 (4th Cir. 2007) (en banc). Defendant’s motion to dismiss [D.E. 12] is DENIED.

SO ORDERED. This 7 day of June 2010.



JAMES C. DEVER III  
United States District Judge